OM 007-2003 (5880) JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT
PRIOR CUSTODY CREDIT - OLD & NEW LAW SENTENCES

Operations Memorandum

NUMBER: 007-2003 (5880)
DATE: 2/19/2003
SUBJECT: Juvenile Justice & Delinquency Prevention Act Prior Custody Credit - Old & New Law Sentences

EXPIRATION DATE: 2/19/2004

1. **PURPOSE AND SCOPE.** To provide instructions for applying jail time credit to Old Law and New Law terms imposed under the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) (P.L. 93-415, 18 U.S.C. §§ 5031-5042).

2. **DIRECTIVES REFERENCED**

   PS 5880.28   Sentence Computation Manual (CCCA of 1984) (2/21/92)
   PS 5880.30   Sentence Computation Manual ("Old Law" - Pre-CCCA-1984) (7/16/93)

3. **GENERAL INFORMATION.** Currently, Bureau of Prisons' policy allows for jail time credit to be applied to a JJDPA adjudication in the same manner as an adult sentence unless a juvenile is ordered committed to the 21st birthday.

In light of the court opinion, U.S. v. D.H., 12 F.Supp. 2d 472 (D.V.I. 1998), and other factors, the Bureau will no longer apply prior custody credit to Old Law or New Law adjudications imposed under JJDPA.

Pending a revision to the Old Law policy and establishment of New Law policy, JJDPA adjudications are to be calculated in accordance with this Operations Memorandum.

4. **PROCEDURES.** Calculate Old Law JJDPA adjudications according to the Old Law policy, eliminating presentence time credit. Calculate New Law JJDPA terms according to the statutory provisions set forth in 18 U.S.C. §§ 5031-5042. Prior custody credit will not be applied to New Law JJDPA adjudications imposed on or after October 25, 1999.

5. **ACTION.** This Operations Memorandum must be retained in the

Sentence Computation Manuals cited in the Directives Referenced section.

Questions may be directed to the Operations Section, Inmate Systems Management Branch, at (202) 307-3050.

/s/
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